

will engage in forceful, lusty debate and express himself and answer his critics and let the chips fall where they may.

I thank the Chair, yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. THOMAS. Madam President, are we on ISTEA?

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMAS. I would like to speak for 10 minutes on that.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THOMAS. Thank you very much. Madam President, I want to say—which has already been said a number of times—how pleased I am that we are moving forward on this important legislation. I am a member of the Environment and Public Works Committee, and we worked very hard last year to bring this to the Senate. Of course, as you know, we found some problems, particularly with the House version, and ended up with a temporary bill. That temporary bill expires the first of May, and all of us, I think, are aware of how important it is for us to get on into the permanent reauthorization of this bill so that our various State highway commissions can go forward with their plans.

The current ISTEA law has certainly, over the years, made some important changes in our whole transportation program, our transportation policies. It has changed things a great deal. We have come up with a national system of Federal highways. We have found a way to protect this system and to cause it to be effective. But as we move into the 21st century, we need, of course, to update this law as it was passed to make it more flexible, to make it such that the States can deal with the unique issues that they have.

I am from Wyoming where we have probably more miles and fewer people, more miles per person than, I suspect, most any other State in the Union. So our needs are quite different than they are in California, than they are in New York or Rhode Island. And this ISTEA bill tends to recognize that with more flexibility and more efficiency by reducing some of the regulations that go with it, by putting programs together and helping us to meet the challenges that are before us. It is not perfect, of course.

I believe ISTEA II achieves this goal of efficiency and flexibility, and cre-

ates “new rules of the road” that serve the national interest and will help us to build the highways—I hate to be repetitive—and bridges of the 21st century. I heard that somewhere before.

At any rate, my State, as is the case with all other States, has road needs. And our roads are in a condition such that they need a good deal of repair, a good deal of maintenance.

Again, Wyoming is unique. Wyoming taxpayers contribute more to the highway trust fund per person than any other State in the country because we drive more—nearly \$200 per person in Federal gas taxes. And yet we have a deteriorating bridge and road system. According to the best figures I get from our highway department, 44 percent of our roads and bridges are in a deteriorating condition, in a fair to poor condition. So we have a great deal to do.

These shortfalls, of course, in the roads of Wyoming, as in other States’ roads, are a detriment to all taxpayers. If we are to have a national system, then, of course, you have to cross all the States to get there.

A set of efficient and well-maintained roads is important to the cities that export goods around the country, as they are to us in Wyoming. This bill, of course, and all of the activities and dollars that go with it are a very direct contribution to the Nation’s economy. These dollars move out quickly. These dollars move to fill the needs of people throughout the country, provide jobs, and are very efficiently used in a very quick fashion. So ISTEA II will help the flow of goods and services in our country.

We worked very hard. I want to salute the chairman of the committee, Senator CHAFEE, who worked so hard to find, along with others, a fair solution. This is a difficult issue. Through the years, as everyone knows now, we have taken in more money from Federal highway taxes than we have spent. We kept it in the trust fund, at least partially, to help balance the budget.

We have a unified budget, so if you spend the money, even if it is in the trust fund, you spend the money in the highway fund, then you have to reduce the spending somewhere else in order to stay within the spending caps. That is not easy. So the first discussion we have had—it has been a very difficult one—is how much of that money do you spend without impeding on the other spending?

The second difficult one, of course, is that of the formula in which there is distribution. There is always great controversy about the formula. There are States that pay in more than they, frankly, get back. There are States that get more than they pay in. There are those who believe all the dollars should go to highways.

There are others who believe part of the money—this is, after all, a surface transportation bill—some of the dollars ought to go for public transportation, some ought to go for Amtrak, some ought to go for bicycle trails, and those

kinds of things. So I suspect, of all the bills that we deal with, No. 1, everyone wants to pass it, everyone knows that it needs to go forward. But there are so many different kinds of interests that are represented here—and legitimate, all legitimate.

So finding a fair funding formula, based on the national interests, is most difficult. I admire very much what the leadership of this committee has done. And it is there to emphasize a National Highway System. I think that is key—a National Highway System.

Let me talk just a minute about an issue that I guess I would have to admit is particularly important to me, but I think to others as well. I happen to be chairman of the Subcommittee on National Parks. We find ourselves with national parks that are being loved to death. More and more people like to go to parks, but at the same time we find ourselves \$5 billion to \$8 billion in arrears in infrastructure. Nearly \$2 billion of that backlog is in highways.

And, of course, parks only have one source of revenue, really, for the maintenance of their highways, and that is Federal taxes. Counties do not come in to Federal parks and build roads as they do in some other public lands. The State does not contribute to the highways inside of parks. So we have found that a high percentage of existing park roads and bridges are in poor condition. And therefore, we need to do something about it.

In my State of Wyoming, Yellowstone National Park alone is \$250 million behind for the care of highways. It is very difficult. First of all, they are built in difficult places. Their season is rather short to reconstruct. So it is hard to keep highways moving.

We are very pleased that in this particular bill we make a step forward—we make a step forward—and have moved up from about \$70 million a year, which has been traditional, to about \$180 million. So it makes a great deal of difference. And then the Park Service will decide where those allocations are made.

The same is true of other Federal lands. Wyoming is 50 percent Federal lands. Some States are much higher. Nevada, for example—86 percent of that State is owned by the Federal Government. So you have BLM lands. You have forest lands. You have refuge lands. All of these are lands that we look forward to helping through this program. And they will receive a small, relatively small increase, relatively small in terms of the problem, but a sizable increase.

Senators CHAFEE and WARNER and BAUCUS have been working with us on this issue. I feel confident that these park needs will very much be accommodated. I thank the Senators for their willingness to do that.

ISTEA II will streamline the program structure and give States and localities more flexibility. I believe that is very important. There is a consolidation of five programs into three, which

helps to make it more efficient, provides more flexibility and gives the States more of a chance to decide where their dollars ought to go. I think that is very important.

Again, I thank Senators WARNER, CHAFEE and BAUCUS. They have worked very hard through this time.

Senator BAUCUS, Senator KEMPTHORNE, and I introduced an ISTE A II reauthorization bill. We called it STARS 2000. It was a shining example of what we ought to do. That was earlier this year. I thank them and their staffs for putting it together. Then Senator CHAFEE used that as one of the alternatives, we came together with a bill that I think is top-notch and one that I think we should move forward with as soon as possible.

There are some complications, of course. And they have been going on for years. One of them is the idea of using Federal funds to require that States behave in certain ways in order to get their money. We will be talking about that. I suppose in a number of areas—one of them will have to do with drunk driving, having to do with alcohol content. No one is for drunk driving. Everyone wants to do everything they can to put a cap on that, eliminate it, if possible. But I have to tell you, Madam President, that I find it very difficult to explain why the Federal Government has to tell the States how to do these various things.

I happen to have been in the Wyoming legislature. Most of us here have been in our State legislatures. I think legislatures are perfectly capable of deciding what those kinds of things ought to be, whether it is motorcycle helmets or speed limits or drunk driving, alcohol content.

It seems to me those are the kinds of things that States really ought to do. And I can tell you that folks resent very much the idea of using what they call "blackmail" in terms of Federal money to do that. So I hope we can avoid that. I hope we can be for all the things we ought to be for. But the idea of us deciding here seems to me to be inappropriate.

So I really am pleased that we are moving, and I am glad the leader has brought this forward. Certainly, much of that is a result of the efforts made by the Senators from Texas and West Virginia as they pushed very hard to do this.

ISTEA II maintains the integrity of the ISTE A law. It improves it by more equitable investment of user fees. It ensures that people can cross the country with goods and services. And "bridge" States are involved as well. It increases flexibility.

Again, obviously, nothing is perfect. A bill of this kind is never totally suitable to everyone. But that is the way it is. That is what we are here for. That is why we have a system of deciding and voting—so that we can come up, by a majority vote, to the thing that we think best serves this country and serves it on the intermodal surface transportation.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the distinguished Senator from Wyoming very much for his kind comments on the work we have done. The Senator from Wyoming is a very valuable member of the Environment and Public Works Committee. He has worked with us. As he pointed out, he had one of the major bills that went into the final amalgamation we had here—the STAR bill. And he had deep concerns, as he has outlined here, in certain particular areas. I am glad that we were able to take care of those areas.

Indeed, when we meet tomorrow, I believe we will be, as I pointed out to the Senate a little earlier, able to do even better in some of those particular areas he is concerned with. So our committee will be meeting tomorrow at 9:30. And I look forward to working with the Senator from Wyoming as we proceed with an amendment incorporating some of the provisions that have come about as a result of the additional money that has come forward just in the last—well, just agreed to earlier this afternoon. So, again, I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF RICHARD L. YOUNG, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of Richard L. Young, of Indiana, to be United States District Judge for the Southern District of Indiana.

The clerk will report.

The assistant legislative clerk read the nomination of Richard L. Young, of Indiana, to be U.S. District Judge for the Southern District of Indiana.

The PRESIDING OFFICER. Debate on the nomination is limited to 10 minutes, equally divided in the usual form.

Mr. LEAHY. Mr. President, I know that the Senate will, very soon, go to a vote on another judge. It is March. For those who are keeping track, that makes the sixth judge confirmed this year in the third month. Let me see, three into six, as I recall, goes twice. So that's two judges a month. I don't want to strain the capabilities of the

U.S. Senate, but there are 85 vacancies. There are 85 vacancies and now, in March, we will confirm the sixth Federal judge.

Justice denied is justice lost.

We are not seeing our responsibility to the Federal judiciary. As long as the Senate maintains a stall on the confirmation of Federal judges, we are not being responsible, we are not even upholding our oath of office. I commend the distinguished chairman of the Senate Judiciary Committee for getting another judge here to be confirmed. I ask the Senate to remember that we have responsibilities to the Constitution, and we have a responsibility to the integrity and independence of the third branch of Government. We are not fulfilling it.

Mr. President, I am going to withhold the rest of my time because the distinguished chairman is not here.

I ask unanimous consent that the Senate be allowed to withhold its time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum, with the time not charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. It is my understanding, Mr. President, that the ranking member of the committee would like to make some comments. I suggest he proceed.

Mr. LEAHY. Mr. President, how much time is there for the Senator from Vermont?

The PRESIDING OFFICER. Each side has 5 minutes.

Mr. LEAHY. I certainly won't take any more than that.

Mr. CHAFEE. I suggest then that the Senator have 5 minutes, and then, if a Member from this side wishes 5 minutes thereafter, we will face that problem then. So why don't we have 5 minutes for the Senator from Vermont?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand that I am taking 5 minutes that was there for me in any event. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I am delighted that the Senate has decided to take up the nomination of Richard L. Young to the U.S. District Court for the Southern District of Indiana.

This is one of seven judicial nominations that is currently pending before the Senate. I spoke a little earlier this afternoon about this.

I want to note that, unfortunately, the Senate continues to pass over the